

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

AO 106 (Rev. 04/10) Application for a Search Warrant

FEB - 1 2022

UNITED STATES DISTRICT COURT

for the
Western District of VirginiaJULIA C. DUDLEY, CLERK
BY: *P. Meade*
DEPUTY CLERK

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
 Information associated with the Snapchat account user
 name "jon_shumate" that is stored at premises controlled
 by Snap, Inc. as described in Attachment A

Case No. 1:22mj13

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Central District of California, there is now concealed (identify the person or describe the property to be seized):

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 2251(a) & (e)	-Sexual exploitation of children

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Chad Potter

Applicant's signature

Chad Potter, Special Agent FBI

Printed name and title

Sworn to before me *telephonically* and signed in my presence.Date: 2/1/22*Pamela Meade Sargent*

Judge's signature

City and state: Abingdon, Virginia

Pamela M. Sargent, United States Magistrate Judge

Printed name and title

Affidavit in Support of Search of: Information associated with the Snapchat account username "jon_shumate" that is stored at premises controlled by Snap Inc., 2772 Donald Douglas Loop North, Santa Monica, CA 90405

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH
WARRANT**

I, Chad Potter, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that is stored at premises owned, maintained, controlled, or operated by Snap Inc., an electronic communications service headquartered at 2772 Donald Douglas Loop North, Santa Monica, CA 90405. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Snap Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of communications.

2. I am a Special Agent (SA) with Federal Bureau of Investigations (FBI) and have been so employed since October 27, 2019. I received my initial training and instruction at the FBI Academy located in Quantico, Virginia, where I received training regarding violations of the United States criminal statutes. After my initial training, I was assigned to the Richmond Division, Bristol Resident Agency of the FBI. I currently work out of the Bristol, Virginia, FBI Field Office. As part of my job duties, I have investigated a variety of criminal cases, including cases involving the possession of child pornography and sexual exploitation of children.

3. As a Special Agent, I am “an investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 3052, which specifically authorizes FBI Special Agents and officials of the FBI to make arrests, carry firearms, and serve warrants. Title 18, United States Code, Section 3107, empowers FBI Special Agents and officials to make seizures under warrant for violation of federal statutes.

4. I am investigating the activities of JONATHAN AVERY SHUMATE (SHUMATE). As will be shown below, there is probable cause to believe that SHUMATE has attempted to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, in violation of Title 18, United States Code, Sections 2251. I submit this application and affidavit in support of a search warrant for the Snapchat account associated with SHUMATE.

5. As this Affidavit is being submitted for a limited purpose, I have not included all facts known by law enforcement. I only set forth facts necessary to support the issuance of the requested search warrants.

6. These conclusions and opinions set forth are based on my experience and training, my direct participation in this investigation as described below, and conversations with other law enforcement officers who are familiar with the facts and circumstances of this investigation. Throughout this Affidavit, all sentences that begin with the words “I believe” are based upon this combination.

JURISDICTION

7. This court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated. 18 U.S.C. § 2711(3)(A)(i).

APPLICABLE LAW

8. Title 18, United States Code, Section 2251 prohibits any person from employing, using, persuading, enticing, or coercing any minor to engage in, or transporting any minor in or affecting interstate or foreign commerce, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

INVESTIGATION AND PROBABLE CAUSE

9. SHUMATE resides in Warrensville, North Carolina. In November 2021, SHUMATE contacted two juvenile males, ages 16 and 17, who were residing in Grayson County, Virginia, to attend Oak Hill Academy. Oak Hill Academy is a co-ed, college preparatory boarding school for 8th to 12th graders.

10. SHUMATE communicated with the two juvenile males via the application Grinder, then through text messages and phone calls, as well as the mobile messaging application Snapchat.

11. SHUMATE traveled from Warrensville, North Carolina to Oak Hill Academy located in Mouth of Wilson, Virginia, and provided the juvenile males with vape cartridges and vape accessories in exchange for receiving child sexual abuse material from the juvenile males.

12. On or around the week before Thanksgiving 2021 (November 14-21, 2021), the two juvenile males created an account on Grinder using the name "picsfornic" (pics for nicotine), in an attempt to get someone to purchase vape supplies for them. SHUMATE messaged the two juvenile boys via Grinder.

13. SHUMATE then traveled from Warrensville, North Carolina to Oak Hill Academy in Mouth of Wilson, Virginia, to provide the juvenile males vape cartridges and vape accessories. During this first exchange, the juvenile boys paid money for the vaping supplies.

14. On the same day that SHUMATE traveled from North Carolina to the Oak Hill campus in Virginia to deliver the vaping materials, SHUMATE asked the 17-year-old juvenile male for a sexually explicit nude photograph of himself.

15. The 17-year-old juvenile male did in fact send SHUMATE sexually explicit nude photographs via Snapchat.

16. Between early November 2021 and early December 2021, SHUMATE communicated regularly with both juvenile males through text messages, Snapchat, and a cellular telephone call.

17. During these conversations, SHUMATE told the juvenile males they were "sexy" and offered to perform oral sex on the juvenile males.

18. During these conversations, SHUMATE told the 16-year-old juvenile he hoped the juvenile would be "Freeballing," in other words not wearing underwear, while picking up the vape supplies he brought, so SHUMATE could see his "Package bouncing."

19. While the 16-year-old juvenile male was at his home residence located in Boone, North Carolina, SHUMATE communicated with the juvenile male and traveled to his home while his parents were away and placed vaping supplies in his mailbox.

20. In December of 2021, Oak Hill Academy maintenance staff saw an adult male driving a Green Jeep place items in a drainage ditch and contacted the Dean of Students. School officials then contacted Grayson County Sheriff's Office (GCSO). Based on my investigation, I know SHUMATE drives a Jeep. It was determined that the adult male was dropping off vaping supplies for the two juvenile males discussed above. Parents of both juvenile males gave GCSO consent to seize and examine the minors' cellular telephones.

21. During an interview subsequently conducted by the Child Advocacy Center, the 17-year-old juvenile male said SHUMATE asked for specific sexually explicit pictures including photographs of his genitalia and buttocks.

22. The 17-year-old juvenile male admitted taking a live video of himself in the shower exposing his naked buttocks for SHUMATE in exchange for receiving vaping materials from him.

23. The 17-year-old juvenile male said SHUMATE sent a sexually explicit picture to him via Snapchat. The 17-year-old juvenile male said he believed the picture may have been taken from the internet due to the quality of the picture.

24. I have reviewed the cellular devices of the juvenile boys and between early November and early December, there is evidence of sexually explicit text messages being sent from SHUMATE to the juvenile males. There also is evidence of at least one sexually explicit photograph sent from the juvenile males to SHUMATE.

25. The 16-year-old juvenile male has a video of SHUMATE leaving his residence after dropping vaping supplies with text written over the video with the text, "Jay coming in clutch."

26. SHUMATE on at least two occasions traveled from North Carolina to Virginia to drop off vaping supplies to the two juvenile males in exchange for sexually explicit photographs and videos.

INTERNET RELATED TERMS

27. When an individual communicates through the Internet, the individual leaves an Internet Protocol (IP) address which identifies the individual user by account and Internet Service Provider (ISP). An IP address, together with the date and time of a communication is unique to each communication. IP addresses are assigned to Internet Service Providers who in turn assign specific addresses to individual users.

28. Internet Service Providers and others who are assigned ranges of IP addresses typically maintain a record of their sub-assignment of individual IP addresses to individual users. When such records are maintained it is possible to identify the specific account associated with the use of a particular IP address at a specific date and time, and the specific physical computer and location from which the communication is transmitted.

29. A forensic analysis was conducted on SHUMATE'S cellular telephone seized during his arrest and search of his home. Between November 17, 2021 and November 20, 2021 SHUMATE exchanged multiple sexual text, pictures, and videos with the 17-year-old victim.

30. SHUMATE saved 9 Snapchat video exchanges between him and the 17-year-old victim.

31. SHUMATE told investigators during a custodial interview he communicated with the victims primarily through Snapchat.

SNAPCHAT SPECIFIC FACTS

32. I know through training and discussions with other law enforcement officers who have had interactions with and from reviewing the Snapchat Law Enforcement Guide, I know the following:

a. Snapchat is a mobile application made by Snap Inc. ("Snap") and available through the iPhone App store and Google Play Store. The Snapchat app provides users a way to share moments with photos, videos, and chats.

b. Basic subscriber information is collected when a user creates a new Snapchat account, alters information at a later date, or otherwise interacts with the service. Not all listed information is required, and user-provided subscriber information is not always independently verified by Snapchat. Basic subscriber information may include: Snapchat username, email address, phone number,

Snapchat account creation date, and timestamp and IP address of account logins and logouts.

c. A Snapchat username is a unique identifier associated with a specific Snapchat account, and it cannot be changed by the user. A display name, on the other hand, is not a unique identifier and can be created and changed by a user to indicate how the user will appear within the app. A user can also change a friend's display name to determine how that friend will appear to that particular user on the app, similar to how one can customize contact names on a smartphone.

d. Snapchat retains basic subscriber information. This information is entered by a user in creating an account and is maintained as long as the user has not edited the information or removed the information from the account. Once the user makes a change, the previously existing information is overwritten. Upon receipt of a preservation request, however, Snapchat can capture the user information available at the time; and future actions by the user will not affect the preserved user information. Snapchat also retains logs containing IP address associated with account login and logout for a limited period of time after the user has deleted his or her Snapchat account.

e. Snapchat retains logs of previous messages, also referred to as "Snaps", sent and received. Snaps are photos or videos taken using the Snapchat app's camera on an individual's mobile device, and may be shared directly with the user's friends, or in a Story or Chat.

f. In certain limited circumstances it may be possible for Snapchat to retrieve the content of sent messages. Snapchat deletes each Snap from its servers once all recipients have viewed it, therefore Snapchat will not be able to retrieve all message content. When a Snap remains unopened, it will be deleted 30 days after it was sent.

g. Snapchat retains logs of previous Snaps and may, under certain limited circumstances, store the content of users' unopened Snaps.

h. A user can add Snaps to their "Story". A Story is a collection of Snaps displayed in chronological order. Users can manage their privacy settings so that their Story can be viewed by all Snapchatters, their friends, or a custom audience. A user can also submit their Snaps to our crowd-sourced service "Our Story", which enables their Snaps to be viewed by all Snapchatters in Search and Snap Map.

i. Memories is Snapchat's cloud-storage service. Users can save their sent or unsent Snaps, posted Stories, and photos and videos from their phone's photo gallery in Memories. Content saved in Memories is backed up by Snap and may remain in Memories until deleted by the user. Users may encrypt their content in Memories until delete by the user. Users may encrypt their content in Memories (called "My Eyes Only"), in which case the content is not accessible to Snap and cannot be decrypted by Snap.

j. A user can type messages, send Snaps, audio notes, and video notes to friends within the Snapchat app using the Chat feature. Snapchat servers are designed to automatically delete one-to-one chats once the recipient has opened the message and both the sender and recipient have left the chat screen.

k. If a user has device-level location services turned on and has opted into location services on Snapchat, Snap will collect location data at various points during the user's use of Snapchat, and retention periods for location data vary depending on the purpose of the collection.

l. A preservation is a snapshot in time of a user's data, including basic subscriber information, metadata (usage logs) and content (Chats, Snaps, Stories, and Memories). Upon receiving a signed and dated preservation request

Snapchat will attempt to preserve available account information associated with any properly identified Snapchat users in an offline file for up to 90 days.

m. Snapchat honors requests from law enforcement to preserve information in accordance with 18 U.S.C. 2703(f) and will provide such information to law enforcement pursuant to a court order or a federal or state search warrant.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

33. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Snap to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

34. Based on the foregoing information, I believe that probable cause exists that evidence of violations of: Title 18, United States Code, Section 2251 prohibits any person from employing, using, persuading, enticing, or coercing any minor to engage in, or transporting any minor in or affecting interstate or foreign commerce, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

35. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

36. The government will execute this warrant by serving the warrant on Snap Inc. Because the warrant will be served on Snap Inc., who will then compile

the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

35. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to the target of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,

s/ Chad Potter by pms

Chad Potter
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this telephonically 6th day of February, 2022.

Pamela Sargent
Honorable Pamela Sargent
United States Magistrate Judge
Western District of Virginia

Reviewed by: Lena Busscher, AUSA

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Snapchat account “jon_shumate” that is stored at premises owned, maintained, controlled, or operated by Snap Inc., a company headquartered at 2772 Donald Douglas Loop North, Santa Monica, CA 90405.